

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

PG4858USw

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/522,321

INTERNATIONAL APPLICATION NO.

PCT/EP2003/008264

INTERNATIONAL FILING DATE

24 July 2003

PRIORITY DATE CLAIMED

25 July 2002

## TITLE OF INVENTION

ARYLETHANOLAMINE BETA2-ADRENORECEPTOR AGONIST COMPOUNDS

## APPLICANT(S) FOR DO/EO/US

Keith BIGGADIKE; Diane Mary COE; Duncan Stuart HOLMES; Brian Edgar LOOKER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Statement under 37 CFR 3.73(b); copy of Assignment to Glaxo Group Limited; Glaxo Group Limited Power of Attorney; copy of Notification of Missing Requirements, date mailed 06/27/2005

|  |              |  |                     |                          |          |
|--|--------------|--|---------------------|--------------------------|----------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.  |                     | ATTORNEY'S DOCKET NUMBER |          |
| 10/522,321   |              | PCT/EP2003/008264  |                     | PG4858USW                |          |
| The following fees are submitted:  |              |  |                     | CALCULATIONS PTO USE     |          |
| 24. <input type="checkbox"/> Basic national fee  |              | \$300  |                     | \$                       | \$0.00   |
| 25. <input type="checkbox"/> Examination fee   |              |  |                     | \$                       | \$0.00   |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).  |              | \$100  |                     | \$                       | \$0.00   |
| All other situations.  |              | \$200  |                     | \$                       | \$0.00   |
| 26. <input type="checkbox"/> Search fee  |              |  |                     | \$                       | \$0.00   |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority  |              | \$100  |                     | \$                       | \$0.00   |
| International Search Report prepared and provided to the Office  |              | \$400  |                     | \$                       | \$0.00   |
| All other situations.  |              | \$500  |                     | \$                       | \$0.00   |
| TOTAL OF 24, 25 and 26 =   |              |  |                     | \$                       | \$0.00   |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |  |                     | \$                       | \$0.00   |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE                | \$                       | \$0.00   |
| - 100 =  | 0            | /50 = 0  | x \$250.00          | \$                       | \$0.00   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |                     | \$                       | \$130.00 |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE                | \$                       | \$0.00   |
| Total claims   | - 20 =       | 0  | x \$50.00           | \$                       | \$0.00   |
| Independent claims   | - 3 =        | 0  | x \$200.00          | \$                       | \$0.00   |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |                     | \$                       | \$0.00   |
| TOTAL OF ABOVE CALCULATIONS =  |              |  |                     | \$                       | \$130.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |                     | \$                       | \$0.00   |
| SUBTOTAL =   |              |  |                     | \$                       | \$130.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |                     | \$                       | \$0.00   |
| TOTAL NATIONAL FEE =   |              |  |                     | \$                       | \$130.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |                     | \$                       | \$0.00   |
| TOTAL FEES ENCLOSED =  |              |  |                     | \$                       | \$130.00 |
| Amount to be   |              |  |                     | \$                       |          |
| Amount to be   |              |  |                     | \$                       |          |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.   |              |  |                     |                          |          |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>07-1392</u> in the amount of <u>\$130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.   |              |  |                     |                          |          |
| c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1392</u> . A duplicate copy of this sheet is enclosed.                                |              |  |                     |                          |          |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.                      |              |  |                     |                          |          |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.   |              |  |                     |                          |          |
| SEND ALL CORRESPONDENCE TO:  |              |  |                     |                          |          |
| CUSTOMER NUMBER  |              |  | SIGNATURE           |                          |          |
| 23347  |              |  | Robert J. Smith     |                          |          |
|  |              |  | NAME                |                          |          |
|  |              |  | 40,820              |                          |          |
|  |              |  | REGISTRATION NUMBER |                          |          |

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22303-1450  
www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/522,321                  | Keith Biggadike       | PG4858USW        |

INTERNATIONAL APPLICATION NO.

PCT/EP03/08264

I.A. FILING DATE

07/24/2003

PRIORITY DATE

07/25/2002

23347

DAVID J LEVY, CORPORATE INTELLECTUAL PROPERTY  
GLAXOSMITHKLINE  
FIVE MOORE DR., PO BOX 13398  
RESEARCH TRIANGLE PARK, NC 27709-3398

CONFIRMATION NO. 8829

371 FORMALITIES LETTER

  
\*OC000000016382552\*

JUN 7 2005

Date Mailed: 06/27/2005

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/25/2005
- Copy of the International Search Report filed on 01/25/2005
- Copy of IPE Report filed on 01/25/2005
- Preliminary Amendments filed on 01/25/2005
- Information Disclosure Statements filed on 01/25/2005
- U.S. Basic National Fees filed on 01/25/2005
- Priority Documents filed on 01/25/2005

DUCKETED

Docket No: PG 4858USW  
Attorney: JJS(JAF)  
Paper: Declaration w/ Fees, SEP.  
Due Date: 27 Aug 2005  
Deadline: 27 Jan 2006  
Recorded: P
The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May

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**Rec'd PCT/PTO 06 JUL 2005**

15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ix No. for PCT/DO/EO/US  
703-305-3230

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/522,321                  | PCT/EP03/08264                | PG4858USw        |

FORM PCT/DO/EO/905 (371 Formalities Notice)

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GlaxoSmithKline

## FAX

To Mail Stop PCT, Attn: Barbara A. Campbell

Company USPTO

Fax 703-305-3230

From Marjorie J. Pfeiffer

Tel 1-919-483-9038; Facsimile: 1-919-483-7988

E-mail [marjorie.j.pfeiffer@gsk.com](mailto:marjorie.j.pfeiffer@gsk.com)

Date July 6, 2005 Pages including cover 18

Subject Response to Notification of Missing Requirements

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
[www.gsk.com](http://www.gsk.com)

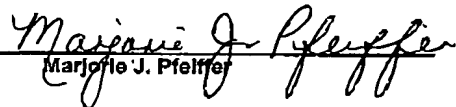
Re: Application of Keith BIGGADIKE et al.  
Serial No.: 10/522,321; Int'l. Appl. No.: PCT/EP2003/008264  
Title: *Arylethanolamine Beta2-Adrenoreceptor Agonist Compounds*  
Attorney Docket No. PG4858USw

## Attached is:

1. Transmittal Letter (2<sup>nd</sup> page in duplicate)
2. Declaration (3 pages)
3. Power of Attorney and Correspondence Address Indication Form
4. Statement under 37 CFR 3.73(b) with copy of Assignment and Glaxo Group Limited Power of Attorney
5. Copy of Notification of Missing Requirements under 35 USC 371, date mailed 06/27/2005

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3230) on July 6, 2005.

  
Marjorie J. Pfeiffer

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

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